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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**In re: DATA BREACH SECURITY
LITIGATION AGAINST CAESARS
ENTERTAINMENT, INC.**

Case No. 2:23-cv-01447-ART-BNW

**PLAINTIFFS' MOTION TO
CONSOLIDATE CASE NO. 2:23-CV-
01447-ART-BNW AND CASE NO. 2:25-
CV-00736-JAD-DJA AND DEFER OR
EXCUSE LR IA 11-2 REQUIREMENTS**

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to FRCP 42(a)(2) and LR 42-1(b), Plaintiffs move to consolidate Case No. 2:23-cv-01447-ART-BNW (the “*Caesars* Action”) and Case No. 2:25-cv-00736-JAD-DJA (the “*Coforge* Action”) because the two matters involve the same data breach and, thus, share many common issues of law and fact. Additionally, because Plaintiffs’ counsel in the *Coforge* Action are admitted *pro hac vice* in the *Caesars* Action, Plaintiffs respectfully request the Court defer and/or excuse the requirements of LR IA 11-2 (Admission to Practice in a Particular Case) for Plaintiffs’ counsel in the *Coforge* Action because the same lawyers have already been admitted under that rule in the *Caesars* Action.

I. Procedural and Factual Background.

The *Caesars* Action is a consolidated class action with the lead action filed on September 15, 2023. *Caesars* Action, ECF No. 1. Nineteen actions have been filed under this lead action. *Id.*, ECF Nos. 21, 46, 55. District Court Judge Anne R. Traum and Magistrate Judge Brenda N. Weksler are assigned to the *Caesars* Action. On June 6, 2024, the Court entered an order appointing Interim Class Counsel in the *Caesars* Action.¹ *Id.*, ECF No. 79. Interim Class Counsel timely filed *pro hac vice* applications that were granted in the *Caesars* Action or an action that was consolidated into the *Caesars* Action. *Id.*, ECF Nos. 19, 25, 32, 41, 61.

On July 29, 2024, Plaintiffs filed their Consolidated Class Action Complaint. *Id.*, ECF No. 81. On August 27, 2024, the Court granted the parties’ Joint Stipulated Discovery Plan and Scheduling Order, which contemplated the Court’s forthcoming ruling on Defendant Caesars Entertainment Inc.’s (“Caesars”) Motion to Stay Discovery pending Caesars’ Motion to Dismiss Consolidated Class Action Complaint. *Id.*, ECF No. 87. Caesars’s Motion to Stay and Motion to Dismiss have been fully briefed, and the Court held a hearing on the Motion to Dismiss on May

¹ The Court appointed: (i) co-lead interim class counsel as John A. Yanchunis, Douglas J. McNamara, and Amy E. Keller; (ii) chair of Plaintiffs’ Steering Committee as Jeff Ostrow; and (iii) Plaintiffs Steering Committee as James Pizzirusso, Gerard Stranch, Gary M. Klinger, Sabita J. Soneji, and Linda Nussbaum. *Caesars* Action, ECF No. 79.

2, 2025. *Id.*, ECF Nos. 91, 96, 100, 102, 104, 106, 114, 116, 120, 124. As of the date of this Motion, decisions on the Motion to Stay and Motion to Dismiss are still pending.

On April 25, 2025, Plaintiffs filed the *Coforge* Action against Defendants Coforge Inc. and Coforge, Ltd. (“Coforge”), identifying the *Caesars* Action as a related case. *Coforge* Action, ECF No. 1. District Court Judge Jennifer A. Dorsey and Magistrate Judge Daniel J. Albregts are assigned to the *Coforge* Action. On May 1, 2025, Plaintiffs filed a Notice of Related Case Pursuant to Local Rule 42-1 in each case requesting the *Coforge* Action be reassigned to Judge Traum, who is presiding over the *Caesars* Action. *Id.*, ECF No. 5; *Caesars* Action, ECF No. 121. Plaintiffs’ counsel in the *Coforge* Action are the Court-appointed Interim Lead Counsel in the *Caesars* Action and have *pro hac vice* admission in the *Caesars* Action. *Coforge* Action, ECF No. 1; *Caesars* Action, ECF Nos. 19, 25, 32, 41, 61, 79.

The Actions were brought on behalf of millions of consumers whose sensitive personal information was stolen by cybercriminals in a cyberattack on Caesars. *Coforge* Action, ECF No. 1; *Caesars* Action, ECF No. 81. Coforge, which Plaintiffs’ counsel learned about after filing the *Caesars* Action, operated Caesars’ IT service desk when the data breach occurred. *Coforge* Action, ECF No. 1. Therefore, the Actions involve the same Plaintiffs and putative class members, same cyber criminals, and the same cyberattack. *Coforge* Action, ECF No. 1; *Caesars* Action, ECF No. 81.

II. Consolidation of the *Caesars* Action and the *Coforge* Action is Warranted.

The Court has broad discretion to consolidate two related cases pending in the same district. FRCP 42(a); *Garity v. APWU Nat’l Labor Org.*, 828 F.3d 848, 855-56 (9th Cir. 2016). Factors favoring consolidation include “overlapping parties[,] similar claims based on common facts and transactions, and discovery overlap.” *United States v. Dentsply Int’l Inc.*, 190 F.R.D. 140, 143 (D. Del. 1999). “If the court determines that common questions are present it must then balance the savings of time and effort that consolidation will produce against any inconvenience, delay, confusion, or prejudice that may result.” *Desert Mech., Inc. v. Travelers Cas. & Sur. Co. of Am.*, 2022 WL 1078362 *12 (D. Nev. Mar. 14, 2022) (citing *Huene v. United States*, 743 F.2d

703, 704 (9th Cir. 1984)). “[T]he motion to consolidate ordinarily will be granted unless the opposing party shows ‘demonstrable prejudice.’” *In re PRI Automation, Inc. Secs. Litig.*, 145 F. Supp. 2d 138, 140 (D. Mass. 2001) (quoting *Seguro de Servicio de Salud de Puerto Rico v. McAuto Systems Group, Inc.*, 878 F.2d 5, 8 (1st Cir. 1989)).

A. The Actions Involve the Same Plaintiffs and Common Issues of Law and Fact.

Both Actions arise from the same cyberattack on Caesars that resulted in the data breach and alleged release of Plaintiffs’ and the putative class members’ sensitive personally identifiable information. *Coforge*, ECF No. 1; *Caesars*, ECF No. 81. It is Plaintiffs’ position that both Caesars and Coforge share liability for Plaintiffs’ and the putative class members’ alleged damages resulting from the cyberattack. Accordingly, because there is extensive factual and legal overlap between the Actions, there will be substantial overlap in discovery, and consolidation will promote the expeditious resolution of Plaintiffs’ claims and prevent unnecessary duplication of effort.

B. Defendants Will Not Suffer Prejudice from Consolidation.

Defendants Caesars and Coforge will not suffer prejudice if the Actions are consolidated. Should the Court deny Caesars’ Motion to Dismiss, Plaintiffs anticipate Caesars will file a third-party complaint against Coforge. The first-filed *Caesars* Action remains in the preliminary stages of litigation. Thus, consolidating the Actions will not prejudice Defendants and will prevent inconsistent judgments by ensuring all parties involved are before a single judge. In addition, Plaintiffs followed the appropriate procedures to notify the Court of these related actions. *Coforge* Action, ECF No. 1, 5; *Caesars* Action, ECF No. 121.

III. The Requirements of LR IA 11-2 Should be Deferred and/or Excused in the Coforge Action.

Plaintiffs respectfully request this Court defer and/or excuse the requirements of LR IA 11-2 (Admission to Practice in a Particular Case) for Plaintiffs’ counsel in the *Coforge* Action. Plaintiffs’ Counsel in the *Coforge* Action are Court-appointed lead counsel for Plaintiffs in the *Caesars* Action and have been approved to practice *pro hac vice* in the *Caesars* Action. *See*

1 *Caesars* Action, ECF Nos. 19, 25, 32, 41, 61, 79. Accordingly, if the Court consolidates the
 2 *Coforge* Action with the *Caesars* Action, Plaintiffs respectfully request that the Court's prior
 3 orders admitting counsel for the *Caesars* Action be applied to the *Coforge* Action so that those
 4 same attorneys are not obligated to re-apply for *pro hac vice* status under LR IA 11-2.

5 **IV. Conclusion**

6 The Court should order consolidation of the *Caesars* and *Coforge* action under FRCP
 7 42(a)(2) and LR 42-1(b) because the actions involve common issues of law and fact and
 8 consolidation will not cause any problems. Based on this motion to consolidate, Plaintiffs
 9 respectfully request an order deferring and/or excusing Plaintiffs' counsel from the requirements
 10 of LR IA 11-2 in the related *Coforge* Action due to the fact they have already complied with that
 11 rule and been admitted to practice in the lead *Caesars* Action.

12
 13 Dated: May 13, 2025

Respectfully submitted,

14
 15 /s/ Michael Gayan

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PROOF OF SERVICE

I hereby certify that on this 13th day of May, 2025, a true and correct copy of **PLAINTIFFS' MOTION TO CONSOLIDATE CASE NO. 2:23-cv-01447-ART-BNW AND CASE NO. 2:25-cv-00736-JAD-DJA** was served via the United States District Court CM/ECF system on all counsel of record who have enrolled in this ECF system.

/s/ Nicole McLeod
An employee of Claggett & Sykes Law Firm